

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**IN RE:
GEORGE DALE WIGINGTON
2451 ELM GROVE ROAD
WYLIE, TX 75098
SSN: XXX-XX-4787
DEBTOR(S)**

GEORGE DALE WIGINGTON
PLAINTIFF

VS.

**NATIONSTAR MORTGAGE LLC
DBA MR. COOPER AND
SELECT PORTFOLIO SERVICING, INC.,
DEFENDANTS**

CASE NO. 18-42230

CHAPTER 13

A.P. CASE NO. 19-04074

**ORDER GRANTING DEFENDANT SELECT
PORTFOLIO SERVICING, INC.'S MOTION TO DISMISS**

On 10/15/2020, a *Motion to Dismiss Second Amended Objection to Proof of Claim 4-1 of Nationstar Mortgage LLC d/b/a Mr. Cooper; Action to Determine the Validity, Priority, and Extent of Lien; and Complaint* (“Motion”) was filed by Defendant Select Portfolio Servicing, Inc. (referred to as "SPS") in the above-referenced adversary proceeding. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-one (21)-day negative notice language, pursuant to LBR 9007(a), which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty-one days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of

the following order.

The Motion is hereby GRANTED as set forth herein.

IT IS THEREFORE ORDERED pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as made applicable to this adversary proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, that all claims made against SPS in Plaintiff's Second Amended Objection to Proof of Claim 4-1 of Nationstar Mortgage LLC d/b/a Mr. Cooper; Action to Determine the Validity, Priority, and Extent of Lien; and Complaint filed by debtor and plaintiff George Dale Wigington ("Debtor") on 9/15/2020 be hereby dismissed with prejudice and the Proof of Claim Number 4-1 filed by Nationstar Mortgage LLC d/b/a Mr. Cooper on 11/7/2018 in the Debtor's underlying chapter 13 case, Case Number 18-42230 and assigned to SPS be allowed in full as filed.

Signed:

UNITED STATES BANKRUPTCY JUDGE

This order was prepared and submitted by:

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